

Message Text

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ACTION EB-07

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DOT-00 INR-07 NSAE-00 FAA-00 L-03 OES-05 H-02 SS-15

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FM AMEMBASSY TOKYO

TO SECSTATE WASHDC 1915

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR - NOISE LEVY

REF: STATE 175118

FOLLOWING IS TEXT OF NOTE DELIVERED TO FONOFF (FIRST NORTH AMERICA DIVISION) ON JULY 25. FONOFF PROMISED TO TAKE UP MATTER URGENTLY WITH TRANSPORT MINISTRY.

BEGIN TEXT.

THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS AND HAS THE HONOR TO NOTE THAT THE GOVERNMENT OF JAPAN HAS UNDER CONSIDERATION A CHARGE TO FINANCE NOISE ABATEMENT MEASURES. IT IS UNDERSTOOD THAT THE CHARGE COULD INCREASE AIRCRAFT LANDING FEES BY BETWEEN 50 PERCENT TO 85 PERCENT.

THE UNITED STATES GOVERNMENT APPRECIATES THE PROBLEM POSED BY AIRCRAFT NOISE IN THE VICINITY OF AIRPORTS. THE UNITED STATES FACES THIS SAME PROBLEM, AS DO ALL CUNTRIES WITH SIGNIFICANT AIR TRANSPORT SYSTEMS AND THE UNITED STATES RECOGNIZES THE NEED FELT BY THE JAPANESE GOVERNMENT TO INSTITUTE NOISE ABATEMENT MEASURES AROUND AIRPORTS WITHOUT UNNECESSARY DELAY. IT IS THE VERY UNIVERSALITY OF THE
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PROBLEM WHICH CAUSED THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

TO ADOPT ANNEX 16 IN 1969 TO ESTABLISH NOISE STANDARDS FOR AIRCRAFT AND TO ESTABLISH A COMMITTEE ON AIRCRAFT NOISE. ALSO IT IS THE UNIVERSALITY OF THE PROBLEM AND THE ENORMOUS POTENTIAL SUMS INVOLVED IN IMPLEMENTING COUNTER MEASURES WHICH THE UNITED STATES BELIEVES MAKE IT IMPORTANT THAT MAJOR AVIATION COUNTRIES SHOULD LEAD THE WAY IN ADOPTING CRITERIA WHICH ARE REASONABLE, NONDISCRIMINATORY, AND EQUITABLE IN DISTRIBUTING THE BURDENS OF SUCH COSTS AND WHICH DO NOT SET UNDESIRABLE PRECEDENTS FOR OTHER COUNTRIES TO FOLLOW. OTHERWISE INTERNATIONAL AIR TRANSPORT COULD BECOME THE CENTER OF CONTROVERSY OVER A GREAT VARIETY OF NOISE LEVIES WHICH TO ONE OR ANOTHER DEGREE APPEAR TO DISCRIMINATE AGAINST AND IMPOSE SEVERE FINANCIAL BURDENS ON INTERNATIONAL AIR TRANSPORT AND THE TRAVELING AND SHIPPING PUBLIC.

WITH THESE CONSIDERATIONS FOREMOST IN MIND, THE UNITED STATES GOVERNMENT URGES THAT CRITERIA GOVERNING THE PROPOSED JAPANESE LEVY SHOULD NOT BE BASED ON FACTORS UNRELATED TO OR ONLY INCIDENTALLY RELATED TO NOISE, SUCH AS AIRCRAFT WEIGHT. NOR DOES THE UNITED STATES GOVERNMENT BELIEVE THAT AIRCRAFT USING ONE AIRPORT SHOULD BE FORCED TO SUPPORT NOISE REMEDIAL COSTS AT OTHER AIRPORTS. UNDER THE PROPOSED JAPANESE PLAN, CARRIERS OPERATING WIDE-BODIED AIRCRAFT WOULD BE PENALIZED IN COMPARISON WITH THOSE OPERATING NARROW-BODIED AIRCRAFT, EVEN THOUGH IN GENERAL MOST WIDE-BODIED AIRCRAFT PRODUCE LESS NOISE THAN NARROW-BODIED AIRCRAFT AND CARRY MORE PASSENGERS. MOREOVER, ALTHOUGH SOME 70 PERCENT OF ALL INTERNATIONAL AIRCRAFT LANDING IN JAPAN TAKE PLACE AT TOKYO INTERNATIONAL AIRPORT, 76 PERCENT OF THE PROCEEDS FROM THE PROPOSED NOISE LEVY WOULD BE USED AT OSAKA.

IN THE VIEW OF THE UNITED STATES GOVERNMENT CHARGES UNRELATED TO NOISE AND UNRELATED TO AIRPORT USE COULD BE CONSTRUED AS BEING UNREASONABLE AND DISCRIMINATORY AND THUS IN CONTRADICTION OF ARTICLE 15 OF THE CHICAGO CONVENTION AND ARTICLE 6 OF THE UNITED STATES-JAPAN AIR TRANSPORT AGREEMENT. FURTHER, UNITED STATES PUBLIC LAW 93-623 APPROVED JANUARY 3, 1975, PROVIDES AUTHORITY TO LEVY COMPENSATORY CHARGES WHEN DISCRIMINATORY CHARGES HAVE BEEN ASSESSED ON UNITED STATES CARRIERS BY FOREIGN AUTHORITIES.

THE UNITED STATES GOVERNMENT URGES THAT THE JAPANESE GOVERN-
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MENT RECONSIDER ITS PROPOSED REGULATION IN CONSIDERATION OF THE FOREGOING OBJECTIONS, OR POSTPONE ITS APPLICATION UNTIL THERE HAS BEEN AN OPPORTUNITY TO STUDY THE PROBLEM FURTHER.
END TEXT.
SHOESMITH

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